IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 6553 of 1996

Between:

1. Vijay Kochar, S/o.late Sri D.Manakchand Kochar,

aged 44 years, Occ.Business, R/o.11, Jeera, Secundarabad.

2. Ajay Kochar, S/o.late Sri D.Manakchand Kochar,

aged 42 years, Occ: Business, R/o.11, Jeera, Secunderabad.

3. Smt.Kamala Kochar, W/o.late Sri D.Manakchand Kochar,

aged 64 years, R/o.11, Jeera, Secunderabad

4. Smt.Shashibala Mutha, W/o.Sri Ravi Mutha, age 38 years,

Occ.Housewife, R/o.Shivaji Road, Parchani,431041

5. Smt.Devbala Shymsukha, W/o.Shri Pankaj Shyamsukha,

aged 36 years, Occ.Housewife, R/o.41/2, Malharganj, Shyamsukha,

Kothi, Indore, 452002.

6. Smt.Jayabala Mehta, W/o.Shri Deepesh Mehta,

aged 31 years, Occ: Housewife, R/o.13/557,

Adenwala Road, Matunga C.Rly, Bombay.

7. Smt.Chandan Jain, W/o.Shri Dilip Jain,

aged 31 years, Occ: Housewife, R/o.Plot No.7,

Balamrai, Secundarab.

8. Smt.Premlatha Mutha, W/o.Shri Anil Mutha,

aged 28 years, Occ: Housewife, R/o.5-9-22/77,

Lakehill Road, Adarshanagar, Basheerbag, Hyderabad.

[Petitioners from 3 to 8 are represented by

G.P.A.Holder, Petitioner No.1]

..... PETITIONERs

AND

1. The Commissioner, Municipal Corporation

of Hyderabad, and Special Officer,

Head Office, Tankbund, Hyderabad

2. M/s.Babuji Estates Pvt.Ltd., rep.by Shri C.E.Gupta,

8-2-410, Krishna Apartments, Road No.1,

Banjara Hills, Hyderabad.

.....RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction declaring proceedings issued by the Respondent No.1 bearing No.425/TP7/SD/92-96/451`, dated 15.2.1996 as avoidd, illegal and without jurisdiction and to pass such other order or orders deemed fit in the circumstances of the case.

Counsel for the Petitioner: MR.MAHMOOD ALI

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

The Court made the following:

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ORDER:

Impugning the proceedings dated 15-2-1996, issued in proceedings bearing No.425/TP7/SD/92-96/451, by respondent No.1-Municipal Corporation of Hyderabad, calling upon the petitioners to surrender a small piece of land situated adjacent to the culvert in Survey No.44 of Begumpet village, for the purpose of widening of the road, the present writ petition is filed.

2. Respondent No.1-Municipal Corporation of Hyderabad filed counter affidavit contending that the Government has approved a Master Plan in the year 1975 vide G.O.Ms.No.414, dated 27.09.1975 and as per that Master Plan, the Government has proposed to widen the existing Begumpet Main road from 66'-0" to 150'-0". In the year 1978 a Layout was approved in the name of Dwaraka Das Co.Op.Housing Society and the said layout area is behind the site of petitioners. In the proposed connecting link road, the property of petitioners along with two others is affected. Except the petitioners, the other two persons surrendered their major portion of land for the proposed road. The affected property of petitioners is very small and the impugned proceedings dt.15.2.96 are legal and valid.

3. Today, when the writ petition was taken up for hearing, the learned counsel for the petitioners submitted that the petitioners have no objection to surrender the small piece of land that is required for the proposed road widening of the road, but submitted that the petitioners should be extended the benefits which they are entitled to for surrendering their land under the extant G.Os.

4. The learned Standing Counsel appearing on behalf of respondent No. 1 submitted that whether or not the petitioners are entitled to the benefits under the extant G.O. for surrendering the land, is a matter to be considered by the authorities.

5. Inasmuch as the petitioners have expressed no objection to the surrendering of the land in question, and having regard to the submission made by the learned Standing Counsel for respondent No.1, I deem it appropriate to dispose of the writ petition with the following directions:

6. The petitioners are at liberty to file appropriate application before respondent No.1, seeking extension of the benefits under the extant G.Os. in lieu of surrendering the land in question. If any such application is filed, respondent No.1 shall consider and dispose of the same in the light of the G.Os. in force expeditiously.

7. This Writ Petition is, accordingly, disposed of. No costs.

Date: July 22, 2004

Dsr/Ksr

.. ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner,

Municipal Corporation,

Tank Bund, Hyderabad.

2. 2CD copies